

Filed 5/3/19 In re G.P. CA2/4

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

|   |
|---|
| California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115. |
|---|

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re G.P., et al., Persons  
Coming Under the Juvenile  
Court Law.

B290784

(Los Angeles County  
Super. Ct. No. DK20345,  
DK20345A, DK20345B,  
DK20345C, DK20345D)

---

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Plaintiff and  
Respondent,

v.

S.P.,

Defendant and  
Appellant.

---

APPEAL from an order of the Superior Court of Los Angeles County, Natalie P. Stone, Judge. Affirmed.

Nancy Rabin Brucker, under appointment by the Court of Appeal, for Defendant and Appellant.

Tarkian & Associates, Arezoo Pichvai for Plaintiff and Respondent.

---

## INTRODUCTION

S.P. (mother) appeals from the juvenile court's order terminating dependency jurisdiction pursuant to Welfare and Institutions Code<sup>1</sup> section 300 over her four children. She argues that the court erred in denying her request for a continuance to allow the family to attend counseling prior to terminating jurisdiction, and in refusing her request for overnight visits with the children. We find no error and affirm.

## FACTS AND PROCEDURAL BACKGROUND

### A. *Incident and Section 300 Petition*

Mother and David P. (father) lived together with their four children, G. (born 2005), Ch. (born 2006), T. (born 2008), and Ca. (born 2012).<sup>2</sup> The family came to the attention of the Los Angeles County Department of Children and Family Services (DCFS) on October 13, 2016, when DCFS received a call from the children's school. The reporting school administrator told DCFS that on Friday, October 7, mother approached her and whispered that she was a victim of domestic violence. The administrator tried to give mother resources for domestic violence shelters, but mother handed her a note that read: "I'm a victim of domestic violence."

---

<sup>1</sup>All further statutory references are to the Welfare and Institutions Code unless otherwise stated.

<sup>2</sup> Father is not a party to this appeal.

I'm a target because I complain too much about the abuse in my relationship. People are following me. Recording my calls. Do you remember Snowden and NASA? It's real. I have to remain calm and protect my family—my kids especially. The LAPD—police R corrupt. Anybody I contact they are now recording your calls—pay attention if your phone comes back on automatically or lights up. I believe my kids have/are being abused.” After handing the note to the administrator, mother left the school.

The administrator also reported to DCFS that the following Monday and Tuesday, October 10 and 11, father called the school asking if the children were there. Father stated he had moved out of the family home and was concerned about the children's safety because mother was “going through mental health issues.” The administrator stated she was concerned that the children were not in school the day of the call to DCFS, October 13, and that mother had said she would stop by the school to get the children's homework but did not show up.

A DCFS children's social worker (CSW) spoke with mother by phone on October 14, 2016 and explained that she needed to see mother and the children due to the referral. Mother stated that she was “tired and sick of all this,” and that she was a victim of emotional abuse from father but “no one cares. Not physical. Not yet. No one understands, and anytime I say anything, everyone ignores me and my situation.” Mother told the CSW that the day before, father overheard her say she wanted to go to a domestic violence shelter because “there are ways now that people can overhear you[r] phone conversations. I believe my husband hired some people to monitor my phone calls to find out where I am.” Mother stated that she had not been to the family home for a few days, that “my children are safe with me, and you

don't need to worry, but I am not going to tell you where we are." Mother said she would have her lawyer call the CSW, but refused to provide any information about her lawyer before she hung up the phone.

In the detention report, DCFS detailed its interview with the reporting school administrator on October 14, 2016. The administrator told DCFS that this was the first time mother had displayed any symptoms of mental illness or unusual behavior, that mother previously was very consistent with dropping off and picking up the children, but had been "very inconsistent" this year. Also the children had multiple absences and tardies, and had been absent that entire week. When the administrator called mother on October 14 to ask why the children were absent, mother stated that she was going to take the children out of school and enroll them in a school in Moreno Valley.

DCFS also spoke with father on October 14. Father stated he had not seen mother or the children for three weeks after mother left with the children without telling him. Father stated that he had been in contact with mother, but she refused to tell him where she was or let him speak with or see the children. Father told the CSW that mother had been acting strange recently, accusing him of listening to her conversations and sleeping with other women. Father also stated that the weekend before mother and the children left, she woke up in the middle of the night screaming, thrashing her arms, and yelling, "I need to protect my family, I have to save my husband and children!" Mother also tried to file a police report, alleging father sexually abused his son, but the police found no evidence of abuse. Father stated he believed mother was going through a mental breakdown. Father denied any domestic violence, substance

abuse, sexual abuse of the children, or that he had any mental health issues.

The CSW spoke with an administrator at the children's new Moreno Valley school. She confirmed that she had paperwork for T. and Ch., but said the children had been absent from school from October 17 to 27, 2016. DCFS continued attempting to locate mother and the children. Mother called the CSW from a blocked number on November 3, 2016, asking why the CSW was trying to reach her. Mother claimed she did not recall the conversation she had with the CSW on October 14 and refused to tell the CSW where she was. On November 1, the CSW spoke with a counselor at the shelter where mother and the children were staying. The counselor reported mother had taken 11-year-old G. to the hospital for a medical examination after G. had blood in her underwear, because mother was concerned that father had abused G. The hospital did not find any signs of abuse, but mother was still concerned and took G. to a second hospital. The second hospital also found no signs of sexual abuse. In a letter dated November 15, 2016, the shelter confirmed that mother and the children stayed there from October 15 to November 15, 2016.

On November 16, 2016, DCFS filed a dependency petition naming all four children under section 300, subdivision (b)(1).<sup>3</sup>

---

<sup>3</sup>Section 300 states, in relevant part, "A child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: [¶] (b)(1) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child."

The petition alleged that mother had “mental and emotional problems, including delusions and paranoia which renders the mother unable to provide regular care of the children.” The petition further alleged mother failed to comply with recommended mental health treatment and that her “mental and emotional problems” placed the children at risk of serious physical harm and damage.

In a last-minute information filed on November 17, 2016, DCFS reported that the children were released to father on November 16. The children denied any sexual abuse by father or anyone else, denied being afraid of father, and stated that they missed father.

At the detention hearing on November 17, 2016, the court found a prima facie case for detaining the children from mother pursuant to section 300, subdivision (b). The court released the children to father, with monitored visitation for mother. The court also ordered mother to stay away from the family home and the children’s school, noting that it was “very concerning that she refused to disclose the children’s whereabouts to the social worker.”

**B. *Adjudication***

DCFS filed the jurisdiction/disposition report on January 12, 2017. DCFS conducted interviews with all of the children on January 3, 2017. The CSW who spoke to G. (then 11 years old) noted that G. seemed “uninterested in speaking to” her and appeared to “normalize[ ] her mother’s behaviors.” When asked if mother ever alleged that father had hurt her, G. responded, “a lot of times.” G. also recalled mother saying that someone was following her and that she believed the government was tracking

her. She believed that mother had mental health issues but was not afraid of her.

Ch. (then 10 years old) also told the CSW that mother claimed that father was molesting the children “all the time but none of that ever happened.” Ch. recalled an incident when mother woke up yelling and also said that mother would mutter to herself and make statements about needing to be saved from the devil and the devil trying to get them. Ch. stated that he loved living with father and he worried about mother “all the time.”

T. (then 8 years old) told the CSW that mother took them away from their home “to get away from” father, but did not know why they would need to do that. He said that mother “sometimes” talked to herself and would make statements about the lord and the devil. T. also told the CSW that he enjoyed living with father. Ca. (then four years old) reported that mother and father would argue but denied that father ever hurt mother. She said mother talked to herself but she was not afraid of mother.

DCFS also interviewed father on January 3, 2017. He said he started noticing that mother might be suffering from mental illness about five years ago, and over time the symptoms got worse. Father said mother had recently begun accusing him of molesting the children and started calling the police on him at least twice a month. He said that he was paying for mother to see a psychologist but did not know if mother was taking medication. In December 2017, he was at a family member’s house when mother showed up and was “hysterical and angry.”

He threatened to call the police; mother left but he later learned from the police that mother had accused him of molesting Ca.<sup>4</sup>

Father also stated that he had been informed by mother's family that mother left a suicide note and was arrested or hospitalized for several days. DCFS reported that mother was hospitalized on January 7, 2017 after she was "found naked under the rain saying that she was following the 'will of God.'" Mother also said that the father of her children killed all her children about 1 month ago." Mother was taken to hospital and placed under an involuntary hold.

In a last-minute information for the court, DCFS reported that mother had been arrested on January 10, 2017. In addition, DCFS spoke with the maternal grandmother, who reported that mother's "behaviors and statements had escalated about a year ago." She stated that mother had become estranged from the family over the past year, and that mother appeared paranoid. Mother had also accused maternal grandmother of sleeping with father. Maternal grandmother stated she had no concerns about the children living with father, and she believed father was doing "everything in his power" to help mother and the children. She did not believe the allegations about domestic or sexual abuse by father. She reported that mother was arrested after becoming violent with a nurse during her recent hospitalization, but that it was not in mother's character to be violent.

In a second last-minute information filed January 23, 2017, DCFS reported it had interviewed mother on January 18, 2017 at an inmate detention facility. At the start of the interview,

---

<sup>4</sup> DCFS conducted a parallel investigation into these allegations during the same time. This referral was ultimately closed as unfounded.



mother began crying, then asked the CSW if she believed in Christ. Mother also stated she was “very upset” by father’s infidelity. Mother said she had felt better after being in the shelter but that her “sad side” resurfaced when she was contacted by DCFS. She said she left home with the children because she needed “space” and “time to think.” She reported domestic violence “in the past” with father, consisting of shoving and pushing, and said that father had been arrested as a result. She also said she was not concerned with the children currently living with father. Mother confirmed the incident where she woke up yelling and screaming, saying that she had a vision something bad was going to happen. She also stated that father had slept with maternal grandmother, had a sexual addiction and a drug problem. She told the CSW that “when you are married you know something is wrong with your spouse.”

The CSW asked mother about her continual concern with the children being molested; mother responded that she was “just doing her due diligence” and protecting herself and the children by having them assessed for sexual abuse and taking them to a domestic violence shelter.

DCFS filed a third last-minute information on March 21, 2017. The department included an arrest report from September 2015 regarding the allegations of domestic violence by mother against father. In the arrest report, mother told police that she and father had a verbal argument, then father pushed mother from the front using both hands. Father then tried to choke mother using a cell phone charger. The officers reported they did not observe any visible injuries to mother. They detained father but did not interview him or the children.

DCFS also interviewed mother's niece (niece) on January 19, 2017. Niece stated that mother came to her home with the children and reported that she had separated from father because he was abusing her and the children. Niece said she did not believe mother, that the children appeared fine and never reported anything. She believed mother had recently been hospitalized twice after leaving suicide notes, and the second time resulted in mother's arrest.

In addition, DCFS spoke with mother's cousin (cousin) on January 19, 2017. Cousin stated she grew up with mother and knew her very well. Cousin stated that after the children were detained, mother was living on the streets and believed she was someone from the Bible. Mother was going around with a "guy she met at a mental hospital" and was convinced that her children were dead. Cousin had called the police on mother after mother came to her door stating that she needed a sacrifice and that "you are next." Cousin did not have any concerns about father having custody of the children.

Because the referral regarding domestic and sexual abuse by father was closed as unfounded and father remained a non-offending parent, DCFS recommended that the court sustain the petition and terminate jurisdiction with a family law order giving father sole physical and legal custody of the children, with monitored visitation for mother.

At the adjudication hearing on March 21, 2017, the court found jurisdiction under section 300, subdivision (b) and sustained the petition as amended.<sup>5</sup> The court also issued a

---

<sup>5</sup> The original petition included allegations that father failed to protect the children from mother. Those allegations were stricken from the petition as sustained.

temporary restraining order against mother, on behalf of father and the children, to expire April 6, 2017. The court continued disposition to allow mother to be present.

Mother submitted a letter on May 12, 2017 from a community mental health center, which stated that mother enrolled in individual therapy on March 23, 2017 and completed a psychiatric evaluation. Mother was prescribed medication and “continues to work on improving herself as a whole.” In a last minute information, DCFS confirmed that mother was receiving case management services, medication management, and therapy, and had received a diagnosis of schizophrenia paranoid type. DCFS continued to recommend that the court terminate jurisdiction with sole physical and legal custody to father and monitored visitation for mother. DCFS noted that mother “has only just started to treat her mental health issues which she has left untreated for many years. Though she has initiated services, she has already missed an appointment. The department believes that mother has a long way to go in her treatment before the children can be safe in her care.” DCFS also stated that the children “appear happy and healthy in the care of their father. They deserve for their lives to return to normalcy without the involvement of the department.”

At the disposition hearing on May 12, 2017, the court entered a restraining order, to expire in one year. The court found by clear and convincing evidence pursuant to section 361, subdivision (c) that substantial danger existed to the children and there was no reasonable means to protect them without removal. The children remained placed with father, with monitored visitation for mother. Mother was ordered to participate in individual counseling and to attend regular

psychiatric appointments and take all prescribed psychotropic medications. The court did not terminate jurisdiction.

**C. *Section 364 Review Hearing***

DCFS submitted a status review report on October 26, 2017. In its updated assessment, DCFS reported that father had provided a “safe and stable . . . and nurturing environment for the family,” assured that the children attend school regularly, and “continues to meet the children[’s] medical, dental, and psychological needs.” Mother remained in stable housing with a relative, and had recently obtained a part-time job. She had also been compliant with her court-ordered services, including routinely visiting the children, attending parenting classes, enrolling in additional counseling, and remaining compliant with her medication. DCFS concluded that mother “is committed to keeping her mental illness stabilized.” The children had adapted to living with father and “appear to be very happy in their new home.” After a few months of detachment issues, DCFS reported that “mother’s consistency and reassurance” during visitation comforted the children and eased the transition between weekly visits.

DCFS also reported that the children were meeting developmental milestones, the older children were doing well in school, and all the children were receiving therapy. DCFS commended mother “for her persistence and determination” to attend all of her scheduled visitation, despite conflicts with the monitor’s work schedule and department hours. The CSW observed that mother was timely, patient, interacted well with the children, and that the children were very affectionate with mother.

DCFS noted that it received a progress letter from mother's therapist, who stated mother "appears to be responsible, stable, and capable of taking care of herself and children independently." DCFS stated that it appeared mother had "addressed the issues that brought her and the family to the attention of the department." However, due to the active restraining order, DCFS could not recommend unmonitored visits for mother. DCFS also found that father was compliant with his family maintenance services, and "found that the risk for future abuse or neglect would be LOW if the Court jurisdiction and DCFS supervision were terminated." DCFS therefore recommended termination of jurisdiction, joint legal custody to both parents, sole physical custody to father, and monitored visits for mother.

At a hearing on November 9, 2017, the court ordered DCFS to interview the children regarding visitation with mother. DCFS reported that it did so on November 15, 2017. G. stated that she did not mind unmonitored visits with mother, but did not want overnight visits, because of what happened when her mother was acting strange and took them to a shelter. G. also stated that when they were at the last court hearing, mother got upset and angry with G. because of what G. told her attorney regarding visitation. Ch. also said he was comfortable with unmonitored visits with mother, but did not want to have overnight visits. He stated he was not afraid of mother, but sometimes she acted "weird" during visits and it reminded him of what happened before when mother took them to the shelter, and he did not want to go through that again. T. and Ca. both said they wanted to visit mother regularly. The CSW interviewed the children again on December 8 and 28 and reported that their statements remained the same.

At a hearing on January 22, 2018, mother asked the court to lift the restraining order and to continue the section 364 hearing to allow her to get an updated letter from her psychiatrist and therapist. The court granted both requests and ordered the department to verify mother's mental health treatment and progress.

DCFS filed a last-minute information on February 9, 2018. DCFS reported it had received progress letters from mother's psychiatrist and therapist, confirming that mother was in compliance and stable regarding medication, appointments, and treatment.

On the next scheduled hearing date, February 9, 2018, mother's counsel again asked for a continuance, which the court granted. The court also ordered DCFS to provide a supplemental report with the status of mother's treatment and progress.

DCFS filed a last-minute information on February 20, 2018. The CSW reported that she had interviewed the children again on February 18 and once again they said they were fine with unmonitored visits but did not want overnight visits with mother. Accordingly, DCFS modified its recommendation to unmonitored visits with no overnight.

At a hearing on March 20, 2018, mother's counsel asked the court to order unmonitored visitation and to keep the case open "for, perhaps, a month or two to allow some time . . . for that visitation to begin and---at the suggestion, I believe, of minor's counsel—for, perhaps, some family counseling to begin for this family." Counsel for the children agreed, noting that it was "clear from the reports that the children may be a little hesitant to have unsupervised visits, and I think it would be better for everyone to see how the visits go before we close the case." Counsel for the

children also requested a court order for family counseling “so that children have an opportunity to have an outlet with regards to how they’re feeling about their contact with mom.” The court granted the request to continue the hearing and ordered unmonitored visitation for mother to begin immediately, along with family counseling for mother and the children. The court also ordered DCFS to prepare an updated report before the next hearing.

DCFS filed a progress report on May 11, 2018. Regarding family counseling, DCFS reported that it found a counseling center convenient to both parents’ residences. According to DCFS, the children completed their intakes and assessments on May 1 and 4, 2018; the two youngest children (T. and Ca.) “did not meet medical necessity” for services. Ch. was undergoing continued assessment for a month to confirm that he did not need services. G. was approved for treatment and was assigned a therapist.

DCFS also reported it had interviewed the children on March 28, 2018 regarding their feelings about unmonitored visits with mother. G. said that she did not mind unmonitored visits with mother but did not want to live with her and did not want to have overnight visits. She said that sometimes mother “acts weird.” Ch. also expressed that he did not want overnight visits and he was afraid of what might happen if mother did not take her medication and then took the children back to a shelter. T. wanted unmonitored visits but was not sure whether he wanted overnight visits with mother. He said he thought mother “would take them away like the last time.” Ca. said that she wanted to have lots of visits with mother including overnight.

DCFS assessed mother's home and had no safety issues or concerns. DCFS concluded that there were no changes in its recommendation.

In a last-minute information filed May 16, 2018, DCFS reported that it had not been able to speak with mother's therapist by phone but did receive a progress letter. In the letter, the therapist stated mother had "made vast progress with her treatment goals which includes: reuniting her relationship with her children and developing independent living skills to decrease symptoms and to enhance stability." DCFS did not make any changes in its recommendations, concluding that while mother "should be praised for continued efforts the Department's inability to speak with the therapist to have very specific concerns addressed has limited the Department's ability to make a full assessment. . . . The children continue to remain stable and well cared for in the home of their father. They enjoy spending time with their mother and wish for visits to continue. The conjoint therapy is just beginning and will take time to work through all of the issues that exist."

The court held the contested section 364 hearing on May 16, 2018. Mother testified that she agreed with the allegations of the petition as to her mental state in 2016. She stated that she had completed her parenting and substance abuse programs, and had been medication compliant until she was taken off her medication by her psychiatrist in March of 2018. She also continued to attend individual counseling and stated that she had regular "check in" appointments with her psychiatrist. Mother testified that the family therapy had not started because DCFS needed to assess the children.



Mother's counsel requested that the case remain open so that mother and the children could begin the family counseling and noted that mother had "gone above and beyond" in addressing her mental health and emotional problems. She also noted the "glowing" reports regarding mother's conduct during visitation. Mother also asked for overnight visits to assess how they would go. Father agreed with the recommendation by DCFS. He did not object to unmonitored visits, but argued that overnight visitation "might be a little premature"; he also noted that the three older children did not want overnight visits. Counsel for the children agreed, arguing that the children were doing well with father and there were no outstanding safety concerns, so "it is in the best interest of the children for the case to close at this time." She also told the court that the children "have expressed to the case worker and to myself that they do not want to have overnights with the mother. And I think it is concerning that intelligent, verbal children are expressing that they are still concerned about mother's mental health. They have been having visits. And despite these visits, they continue to have these concerns." Counsel for DCFS agreed, noting that the children "are very smart and old enough to know whether it's comfortable for them or not." She also argued that "we've reached a point in this case where the department has done as much as they could for these children," and noted that mother agreed to do family counseling even if the case was closed, and that two of the children did not meet the necessary requirements for the counseling.

The court found that mother was "in a totally different situation than she was when the case first came in," and that the initial situation was "extremely serious" and "very traumatic for

the children.” The court found the conditions justifying the initial assumption of jurisdiction under section 300 no longer existed and therefore terminated jurisdiction with a juvenile custody order to be prepared. The court ordered joint legal custody of the children, physical custody to father, and unmonitored visitation for mother. The court stated it was removing the restriction that visitation had to be in a public place, but would not order overnight visitation, noting that mother and father could agree to amend the custody order at a later time “when things are in a different situation.” Following mediation, mother and father agreed to a parenting plan including the details of mother’s visitation, generally from 10:00 a.m to 10:00 p.m.

Mother timely appealed the court’s order terminating jurisdiction.

## **DISCUSSION**

Mother contends the court abused its discretion in refusing her request to continue the section 364 hearing to allow family counseling to begin before making a final determination regarding custody and visitation. She also argues that the court should have granted her request for overnight visits with the children. We find no error.

### **A. *Denial of Continuance***

Mother contends that the commencement of family counseling was “necessary” to enable to court to determine “the most appropriate custody and visitation orders to ensure that the orders focused on the best interests of the children.” She therefore argues that the court’s denial of her request to continue the section 364 hearing to allow for family counseling was an abuse of discretion. We disagree.

Section 364 governs status review hearings for dependent juveniles who remain in the physical custody of their parents or guardians. Subdivision (c) of that section provides that the juvenile court “shall terminate its jurisdiction unless the social worker or his or her department establishes by a preponderance of evidence that the conditions still exist which would justify initial assumption of jurisdiction under Section 300, or that those conditions are likely to exist if supervision is withdrawn.”

Section 352, subdivision (a) provides that the juvenile court may continue a hearing if it is not contrary to the interest of the minor. Under the statute, the court is required, in considering the minor’s interests, to “give substantial weight to a minor’s need for prompt resolution of his or her custody status, the need to provide children with stable environments, and the damage to a minor of prolonged temporary placements.” (§ 352, subd. (a)(1).) We will reverse an order denying a continuance only upon a showing that the court abused its discretion. (*In re Z.S.* (2015) 235 Cal.App.4th 754, 773.)

We find no abuse of discretion here. Notably, mother does not challenge the court’s underlying finding that termination of jurisdiction was appropriate. Instead, she argues that because the court had ordered family counseling, which had not yet begun through no fault of mother’s, it was in the children’s best interest to continue the review hearing until some counseling could take place.

While the court would have been within its discretion to grant mother’s continuance, mother’s argument ignores the substantial countervailing factors supporting the court’s denial of her request. The court had already continued the hearing several times, including three times at mother’s request, to obtain

additional information regarding mother's progress and the children's experience with visitation. DCFS interviewed the children five times between November 2017 and March 2018, and each time the older children stated they did not want to have overnight visits with mother. Indeed, at the hearing in March 2018, the court granted mother's requested continuance to allow for a period of unmonitored visitation. At the time of the hearing in May 2018, the children had been seeing mother in unmonitored visitation for almost two months, yet they continued to state they did not want overnight visits and to express fear that mother would relapse and once again pull them from their home. All of the children appeared to be doing well living with father. As such, the court did not abuse its discretion in finding it had sufficient information to determine the children's best interests without granting another continuance.

We also reject mother's contention, unsupported by the record or any citation, that some amount of family counseling was necessary to allow the court to properly determine the children's best interests. The court ordered family counseling in March 2018, after counsel for mother and the children both agreed that it would be helpful to the family. It appears from the record that DCFS determined only one or two of the children qualified for that counseling, and it is unclear when, or if, it could proceed. We are unconvinced by mother's conjecture that some unspecified amount of this counseling, in addition to any individual counseling mother and the children had received, would have changed the court's determination of visitation and custody and was therefore necessary before termination of jurisdiction. The court did not abuse its discretion in

determining that it was in the best interests of the children to terminate jurisdiction.

**B. Visitation**

Mother also contends the court erred in excluding overnight visits when it granted unmonitored visitation in its exit order. She points to her “remarkable turnaround” during the pendency of this case and argues that the children’s repeated request not to have overnight visits “should not be the deciding factor in the visitation orders.”

“When a juvenile court terminates its jurisdiction over a dependent child, it is empowered to make ‘exit orders’ regarding custody and visitation. (§§ 364, subd. (c), 362.4; *In re Kenneth S., Jr.* (2008) 169 Cal.App.4th 1353, 1358.) Such orders become part of any family court proceeding concerning the same child and will remain in effect until they are terminated or modified by the family court. [Citation.]” (*In re T.H.* (2010) 190 Cal.App.4th 1119, 1122–1123.) We review the juvenile court’s decision to terminate dependency jurisdiction and to issue an exit order for abuse of discretion. We may not disturb the order unless the court “““exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination.””” (*Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 300–301; see also *In re R.R.* (2010) 187 Cal.App.4th 1264, 1284.)

We find no abuse of discretion in the court’s implied finding that excluding overnight visits was in the children’s best interest. As discussed above, the children repeatedly expressed that they did not want to have overnight visits with mother. That request was echoed by counsel for father and DCFS. Moreover, although all parties acknowledged that mother had made incredible strides, the case began with a severe mental health crisis, during

which mother took the children out of school, stayed with them in a shelter for a month, and refused to let father speak to the children or tell DCFS where they were. She also repeatedly accused father of sexual abuse of the children, resulting in multiple medical examinations, threatened family members, and engaged in paranoid and delusional behavior. The court was entitled to take this evidence into account in determining the appropriate visitation orders. Mother's contention that the court should have weighed her progress more heavily against the concerns articulated by the children, father, and DCFS does not demonstrate an abuse of the court's discretion.

#### **DISPOSITION**

The juvenile court's order terminating jurisdiction is affirmed.

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

COLLINS, J.

We concur:

MANELLA, P. J.

CURREY, J.